

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,) File No. 21-cr-108
Plaintiff,) (PAM/TNL)
v.)
Tou Thao(2),) Courtroom 7D
J. Alexander Kueng(3), and) St. Paul, Minnesota
Thomas Kiernan Lane(4),) Thursday, February 24, 2022
Defendants.) 4:07 p.m.

BEFORE THE HONORABLE PAUL A. MAGNUSON
UNITED STATES DISTRICT COURT SENIOR JUDGE

(JURY TRIAL PROCEEDINGS - VOLUME XXII - VERDICT)

Proceedings recorded by mechanical stenography;
transcript produced by computer.

APPEARANCES:

For Plaintiff: UNITED STATES ATTORNEY'S OFFICE
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DEPARTMENT OF JUSTICE
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For Defendant EARL GRAY DEFENSE
Thomas Kiernan Lane: BY: EARL P. GRAY
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Court Reporter: RENEE A. ROGGE, RMR-CRR
United States District Courthouse
300 South 4th Street, Box 1005
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P R O C E E D I N G S

IN OPEN COURT

(JURY PRESENT)

(Defendants present)

THE COURT: Good afternoon, everyone.

Members of the jury, have you reached a verdict?

JURY FOREPERSON: We have.

THE COURT: Would you provide the verdict to the
CSO, please.

Thank you.

Members of the jury and ladies and gentlemen, the
verdicts read as follows:

United States of America, plaintiff, versus Tou
Thao, defendant. Count 2, deprivation of rights under color
of law, failure to intervene.

We, the jury, unanimously find the defendant Tou
Thao guilty of the crime of deprivation of rights under
color of law as charged in Count 2 of the indictment.

We, the jury, unanimously find that the offense
charged in Count 2 resulted in the death of George Floyd,
yes.

Count 3. We, the jury, unanimously find the
defendant Tou Thao guilty of the crime of deprivation of
rights under color of law as charged in Count 3 of the
indictment.

1 We, the jury, unanimously find that the offense
2 charged in Count 3 resulted in the death of George Floyd,
3 and answer yes.

4 Dated February 24, 2022, signed jury foreperson.

5 Members of the jury, as to the matter of the
6 United States versus J. Alexander Kueng.

7 We, the jury, unanimously find the defendant
8 J. Alexander Kueng guilty of the crime of deprivation of
9 rights under the color of law as charged in Count 2 of the
10 indictment.

11 Then we, the jury, unanimously find that the
12 offense charged in Count 2 resulted in the death of George
13 Floyd, yes.

14 Count 3. We, the jury, unanimously find the
15 defendant J. Alexander Kueng guilty of the crime of
16 deprivation of rights under color of law as charged in
17 Count 3 of the indictment.

18 And then we, the jury, unanimously find that the
19 offense charged in Count 3 resulted in the death of George
20 Floyd, answer yes.

21 Dated February 24, 2022, signed by the jury
22 foreperson.

23 The matter of the United States versus Thomas
24 Kiernan Lane, Count 3.

25 We, the jury, unanimously find the defendant

1 Thomas Kiernan Lane guilty of the crime of deprivation of
2 rights under color of law as charged in Count 3 of the
3 indictment.

4 Then we, the jury, unanimously find that the
5 offense charged in Count 3 resulted in the death of George
6 Floyd, answer yes.

7 Dated February 24, 2022, signed by the jury
8 foreperson.

9 Members of the jury, is this your verdict, so say
10 you all?

11 THE JURY: Yes.

12 THE COURT: May the record reflect the unanimous
13 verdict.

14 Counsel, do you request a polling of the jury?

15 MR. GRAY: Yes, Your Honor.

16 MR. ROBERT PAULE: Yes, Your Honor.

17 MR. PLUNKETT: Yes, Your Honor.

18 THE COURT: Members of the jury, I'm now going to
19 be calling your numbers one by one. As I call your number,
20 please answer truthfully the question, and the question is,
21 Are these your verdicts.

22 Juror Number 3, are these your verdicts?

23 JUROR 3: Yes.

24 THE COURT: Juror Number 6, are these your
25 verdicts?

1 JUROR 6: Yes, sir.

2 THE COURT: Juror Number 11, are these your
3 verdicts?

4 JUROR 11: Yes.

5 THE COURT: Juror Number 14, are these your
6 verdicts?

7 JUROR 14: Yes, Your Honor.

8 THE COURT: Juror Number 16, are these your
9 verdicts?

10 JUROR 16: Yes.

11 THE COURT: Juror Number 30, are these your
12 verdicts?

13 JUROR 30: Yes.

14 THE COURT: Juror Number 41, are these your
15 verdicts?

16 JUROR 41: Yes.

17 THE COURT: Juror Number 43, are these your
18 verdicts?

19 JUROR 43: Yes.

20 THE COURT: Juror Number 46, are these your
21 verdicts?

22 JUROR 46: Yes, sir.

23 THE COURT: Juror Number 60, are these your
24 verdicts?

25 JUROR 60: Yes, Your Honor.

1 THE COURT: Juror Number 69, are these your
2 verdicts?

3 JUROR 69: Yes.

4 THE COURT: Juror Number 70, are these your
5 verdicts?

6 JUROR 70: Yes, Your Honor.

7 THE COURT: May the record reflect a unanimous
8 verdict.

9 Counsel, is there anything further to come to the
10 court's attention before the jury is discharged?

11 MR. GRAY: None from us, Your Honor.

12 MS. BELL: No, Your Honor.

13 THE COURT: Okay. With that, members of the jury,
14 may I take this opportunity on behalf of the United States
15 to sincerely thank you for your service as jurors in this
16 case.

17 I know that jury service is not easy. I also know
18 that we have interfered with a month of your time or a
19 little bit more now. And we thank you for being with us.
20 We thank you for your diligence. We thank you for your
21 effort, and we thank you for doing all of the work that you
22 have done as jurors in this case.

23 Now what I'm going to say right now is for the
24 first time in a whole month. I'm not ordering you to do
25 anything, but I'm going to refer you at this time to the

1 marshal service. And I would appreciate it, if the
2 opportunity should arise shortly, after I do some things
3 here in the courtroom, that I would have an opportunity to
4 visit with you for a little bit with respect to various
5 matters. So with all of that, thank you so very much for
6 your service.

7 And the jury may be excused.

8 (4:14 p.m.)

9 **IN OPEN COURT**

10 **(JURY NOT PRESENT)**

11 THE COURT: You may be seated.

12 Counsel, Mr. Smith of the probation officer is
13 here. And I would order that within the next week each of
14 you, with your clients, meet with the probation office to
15 get started on a presentence investigation report.

16 When that has been completed, you will have an
17 opportunity to review it, along with your lawyers,
18 potentially even have an evidentiary hearing.

19 At the conclusion of all that, you will be called
20 back before the court for sentencing. And, of course, it's
21 extremely important that you appear at the time of
22 sentencing. Failure to appear can result in a very serious
23 crime with a substantial punishment. So therefore I would
24 strongly encourage your being here.

25 With that, the court would order that bond be

1 continued according to present terms and conditions. I
2 think that's doubly true because I realize you're facing
3 another matter in the state court, and it's important I
4 think that you be available to prepare for that.

5 Is there anything further to come to our attention
6 at this point?

7 MS. BELL: Your Honor, the government would
8 request the opportunity to review the conditions and just in
9 the event there is something additional to propose to
10 propose it to the court. I don't expect that there will be,
11 but I know that one of them I haven't seen quite yet.

12 THE COURT: Three of them I have not seen quite
13 yet.

14 MS. BELL: Okay. Very good.

15 THE COURT: So you and I are in the same boat,
16 but, yes, you will have the opportunity to do that. But at
17 this point bond will remain according to present terms and
18 conditions.

19 Okay. With all of that, I take this opportunity
20 to thank all of you. And I want to particularly take a
21 moment to say a special "thank you" to the various people
22 that have worked with the court system throughout the
23 pendency of this case, and I appreciate all of the
24 assistance that you've given not only to me, but to my staff
25 and many other people. And so thank you very much.

1 And with that, we are in recess.

2 (Court adjourned at 4:17 p.m., 02-24-2022.)

3 * * *

4 I, Renee A. Rogge, certify that the foregoing is a
5 correct transcript from the record of proceedings in the
6 above-entitled matter.

7 Certified by: /s/Renee A. Rogge
8 Renee A. Rogge, RMR-CRR

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